



City of Miami

Legislation

Ordinance

City Hall
3500 Pan American
Drive
Miami, FL 33133
www.ci.miami.fl.us

File Number: 04-01442

Final Action Date:

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 11000, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, BY AMENDING ARTICLE 6, SECTION 629, TO ESTABLISH NE 2ND AVENUE SPECIAL OVERLAY DISTRICT; IN ORDER TO CREATE THE HISTORIC LEMON CITY/LITTLE HAITI VILLAGE SPECIAL OVERLAY DISTRICT, ADD AN INTENT STATEMENT, CREATE SPECIAL DISTRICT REQUIREMENTS AND LIMITATIONS ON USES, AND TO REQUIRE CLASS II SPECIAL PERMITS FOR EXTERIOR WORK; CONTAINING A REPEALER PROVISION AND SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Miami Planning Advisory Board, at its meeting of December 15, 2004, Item No . 2, following an advertised hearing, adopted Resolution No. PAB 140-04 by a vote of seven to zero (7-0), RECOMMENDING APPROVAL to amend Zoning Ordinance No. 11000 as hereinafter set forth; and

WHEREAS, the City Commission after careful consideration of this matter deems it advisable and in the best interest of the general welfare of the City of Miami and its inhabitants to amend Ordinance No. 11000 as hereinafter set forth;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF MIAMI, FLORIDA:

Section 1. The recitals and findings contained in the Preamble to this Ordinance are hereby adopted by reference thereto and incorporated herein as if fully set forth in this Section.

Section 2. Ordinance No. 11000, as amended, the Zoning Ordinance of the City of Miami, Florida, is hereby amended by amending the text of said Ordinance as follows: {1}

"ARTICLE 6. SD SPECIAL DISTRICTS GENERAL PROVISIONS

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Sec. 629. SD-29 NE 2nd Avenue Special Overlay District
(Historic Lemon City/Little Haiti Village)

Sec. 629.1. Intent SD-29.

Within the Edison/Little River/Lemon City/Little Haiti area of the City of Miami, there are subareas along major streets that are of special and substantial public interest because of the unique

architectural, cultural, and natural/historic features. The intent of this special district regulation is to determine how the future public and private development shall respect and enhance the character, preserving property values, enhancing the history of Lemon City and respect the culture of Little Haiti as a desirable place to live, work, and enjoy recreation (play). This special regulation is intended to apply to the highly visible area strategically located on NE 2nd Avenue, to protect against inappropriate land use, discordant or incongruent design, disturbance of natural features, and to encourage development in such portions of the community in a manner appropriate to preservation of its unique cultural and historic heritage. This unique blend of retail, office and residential uses marks NE 2nd Avenue as special urban neighborhood with a great deal of pedestrian activity.

This section of NE 2nd Avenue, as one of Miami's gateways into the city, should be preserved and enhanced in a manner befitting this designation. To this end, the purpose of this special district overlay is to ensure that future development and redevelopment activity respects this character and compliments the scale and variety of uses along the NE 2nd Avenue corridor.

This special zoning overlay allows structures used as any type of residential facility except for rescue missions, to a maximum density equivalent to R-4, subject to the same limiting conditions; any activity included in the office designation, and mixed-use or commercial activities which generally serve the daily retailing and service needs of the public, typically requiring easy access by pedestrians (especially for children and elderly persons desiring access to the future park within the Little Haiti Park Planning Area) and private automobiles. This category is located preferably in areas directly served by arterial or collector roadways, or directly accessible via mass transportation system.

Sec. 629.2. Effect of SD-29 district designation.

The effects of these SD-29 regulations shall be to modify regulations within portions of other zoning districts included within the SD boundaries to the extent indicated herein, included within the SD boundaries NE 2nd Avenue, from NE 52nd Street to the NE 71 Street, and liberally bounded by approximately 100-150 feet on the east and west side of NE 2nd Avenue (properties zoned C-1, see Zoning Atlas).

Sec. 629.3. Class II Special Permit.

629.3.1. When required.

A Class II Special Permit shall be required prior to approval of any permit (except other classes of special permits pursuant to Article 13) affecting the height, bulk, location or exterior configuration of any existing building; or for the erection of any new building; exterior demolition permits; or for the location, relocation or alteration of any structure, parking area or vehicular way visible from a public street.

629.3.2. Consideration in making Class II Special Permit determinations.

The purpose of the Class II Special Permit shall be to ensure conformity of the application with the

expressed intent of this district, with the general considerations listed in section 1305, and with the special considerations listed below. In making determinations concerning construction of new principal buildings or substantial exterior alterations of existing principal buildings, the director of the planning department may obtain the recommendation of the Urban Development Review Board and consider applicable City of Miami design standards and guidelines.

(1) Along NE 2nd Avenue, the pedestrian open space at the ground floor frontage shall be so designed, improved and located to provide an attractively landscaped appearance that compliments some of the existing Caribbean-French Creole designed facades and its gateway role

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(2) Interim landscape. Prior to demolition and removal of existing structures, pavement and/or vegetation from a development site, the owner or developer shall be required to obtain all demolition approvals and tree removal permits as necessary. The zoning official may require as a condition of approval for a demolition permit that sites of demolition shall not be left in a barren, undeveloped state without commencement of vertical construction or revegetation within sixty (60) days of clearing. Revegetation shall include sodding with grasses or other ground cover to prevent soil erosion and blowing of airborne particulate matters and debris. Owner will be required to maintain the landscape.

629.3.3. Limitation of use of chain link fence.

Chain link fence shall not be placed in required open space adjacent to NE 2nd Avenue unless it is of a temporary nature to secure an unsafe structure prior to demolition or has been visually screened with landscape material.

Sec. 629.4. Permitted principal uses and structures.

Principal uses and structures are as permitted generally or conditionally by special permit in the underlying district, except the following uses shall not be permitted:

Community based residential facilities.

New automobile sales.

Used automobile dealerships.

Storage of wrecked automobiles not in operating condition and operations of a commercial garage or commercial parking lot as incidental use.

Ambulance service.

Vehicle rental facilities.

Sewing shops/rag shops.

Hiring halls or labor pools.

Aluminum recycling machines.

Clinics over five thousand (5,000) square feet.

Mortuaries or funeral homes with not to exceed two (2) retorts as an accessory use.

Pharmaceutical/medical laboratories

Sec. 629.5. Conditional principal uses.

Same as for the underlying district with the limitations contained in section 629.4; and in addition: Convalescent homes, nursing homes, institutions for the aged or infirm, foster homes, group homes and orphanages by Class II Special Permit, and only where the ground floor frontage along NE 2nd Avenue is designed with an active, pedestrian oriented space that does not diminish pedestrian activity, including lobbies.
Private clubs, lodges, fraternities and sororities operated for profit by Class II Special Permit.
Pool halls, billiard parlors, and game rooms by Class II Special Permit.
Commercial parking lots only by Special Exception, and only when designed to diminish the visual appearance of cars from NE 2nd Avenue.

Automotive service stations, automotive repairs and car wash facilities only by Special Exception.

Public storage facilities only by Special Exception and only when situated on the site in a location other than the ground floor frontage of NE 2nd Avenue, and in conjunction a ground floor NE 2nd Avenue frontage use and design that promotes active, friendly pedestrian activity.
Retail establishments operating from the hours of midnight to 6:00 a.m. only by Special Exception.

Clinics, medical or dental as follows: if under five thousand (5,000) square feet in area, only by Special Exception.

Hotels, residence hotels, motels, tourist homes, lodging houses, single room occupancy facilities, guest homes and other transitory residential uses generally not evidenced by a leasehold transaction, by Special Exception Permit only.

Sec. 629.6. Principal accessory uses.

Same as for the underlying district with the limitations contained in section 629.4.

Sec. 629.7. Conditional accessory uses.

Same as for the underlying district with the limitations contained in section 629.4, and including the following:

Photographic studios, outdoor photography and associated stage sets, only in conjunction with photographers offices, and only by Class II Special Permit;

Sec. 629.8. Limitations on signs.

Sign limitations shall be as for the underlying districts, see Article 10 for limitations and requirements.

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Section 3. All ordinances or parts of ordinances insofar as they are inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

Section 4. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

Section 5. This Ordinance shall become effective thirty (30) days after final reading and adoption thereof.

APPROVED AS TO FORM AND CORRECTNESS:

JORGE L. FERNANDEZ
CITY ATTORNEY



Footnotes :

{1} Words and/or figures stricken through shall be deleted. Underscored words and/or figures shall be added. The remaining provisions are now in effect and remain unchanged. Asterisks indicate omitted and unchanged material.

